



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMK
F.#2011R00976

271 Cadman Plaza East
Brooklyn, New York 11201

January 31, 2012

via ECF & Federal Express

Louis Esposito, Esq.
411 Pompton Avenue
Cedar Grove, NJ 07009

Re: United States v. Joseph Joel DiCosta
Criminal Docket No. 12-014 (NGG)

Dear Mr. Esposito:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure.

A. Discovery

Exhibit	Description
1	Criminal history report for Joseph Joel DiCosta
2	Report of arrest, dated December 12, 2011
3	Affidavit of U.S. Department of Labor Special Agent Jonathan Mellone in Support of an Arrest Warrant for Joseph Joel DiCosta
4	Bank deposits into Joseph Joel DiCosta's bank accounts

B. Reports of Examinations and Tests

The government will provide the defendant with copies of reports of any examinations or tests in this case as they become available.

C. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 by notifying the

defendant in a timely fashion of any expert that the government intends to call at trial and provide the defendant with a summary of the expert's opinion.

D. *Brady Material*

The government is aware of and will comply with its obligation to produce exculpatory material or information within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

The government will furnish before trial information or material regarding payment, promises, immunity, leniency, or preferential treatment, if any, given to prospective government witnesses, within the scope of Giaglio v. United States, 405 U.S. 150 (1972), and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who will testify for the government at trial.

E. *Other Crimes, Wrongs or Acts*

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

* * * * *

The Defendant's Required Disclosure

The government requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments, including fingerprint analyses, made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703 and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Please contact me if you have any questions or further requests.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Jacquelyn M. Kasulis
Assistant U.S. Attorney
(718) 254-6103

cc: Clerk of the Court (NGG) (by ECF) (without enclosures)